



Entered on Docket
March 05, 2009

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Case Nos.:

BK-S-06-10725-LBR

BK-S-06-10726-LBR

BK-S-06-10727-LBR

BK-S-06-10728-LBR

BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegle

**ORDER APPROVING MOTION
FOR APPROVAL OF
SETTLEMENT PURSUANT TO
RULE 9019 OF THE FEDERAL
RULES OF BANKRUPTCY
PROCEDURE**

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

USACM LIQUIDATING TRUST,

Plaintiff,

v.

FIESTA DEVELOPMENT, INC., ASHBY USA, LLC,
 RICHARD K. ASHBY, and RANDOM
 DEVELOPMENTS, LLC,

Defendants.

Adv. No. 08-01123-lbr

**ORDER APPROVING MOTION
 FOR APPROVAL OF
 SETTLEMENT PURSUANT TO
 RULE 9019 OF THE FEDERAL
 RULES OF BANKRUPTCY
 PROCEDURE**

On February 20, 2009, this Court held a hearing on the Motion for Approval of Settlement Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure filed by Geoffrey Berman, Trustee of the USACM Liquidating Trust (the "USACM Trust"). The Motion requested this court enter an order approving the Settlement Agreement and Release dated February 5, 2009 between the USACM Trust, Fiesta Development, Inc., Ashby USA, LLC, Richard K. Ashby, Random Developments, LLC, and Ashby Development Company, Inc. (the "Proposed Settlement"). The relief requested is hereby GRANTED.

Pursuant to the Motion this Court hereby GRANTS the following relief:

1. The Proposed Settlement is approved pursuant to Federal Rule of Bankruptcy Procedure 9019.

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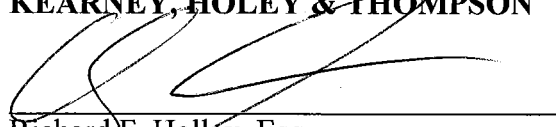
2. This Court shall retain jurisdiction to interpret and enforce the terms of the Settlement Agreement and this Order Approving Settlement.

IT IS SO ORDERED.

APPROVED / DISAPPROVED

Dated this 26th day of February, 2009.

**SANTORO, DRIGGS, WALCH,
KEARNEY, HOLEY & THOMPSON**


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*Attorneys for Fiesta Development, Inc., Ashby
USA, LLC, Richard K. Ashby, Random
Developments, LLC and Ashby Development
Company, Inc*

PREPARED AND SUBMITTED BY:

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/s/ Stephen T. Loden
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Liquidating Trust*

CERTIFICATION PURSUANT TO LOCAL RULE 9021

In accordance with LR 9021, counsel submitting this document certifies as follows

(check one):

☐ The court has waived the requirement of approval under LR 9021

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or filed to respond to the document.]

Ogonna M. Atamoh Approved

DATED: February 24, 2009

/s/ J. Maxwell Beatty
J. Maxwell Beatty

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